

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8573 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?

4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge? : NO

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PARMANAND SHANTILAL KAKKAD

Versus

D N RAKHOLIA OR HIS SUCCESSOR IN OFFICE

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Appearance:

MR JD AJMERA for Petitioners  
MR SK PATEL for Respondents

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 26/10/1999

ORAL JUDGEMENT

#. Heard the learned counsel for the parties.

#. This matter arises under the Urban Land (Ceiling & Regulation) Act, 1976, since repealed. The matter was admitted by this court on 4.12.91 and by way of interim relief, the respondents were directed not to take any further action pursuant to the impugned order, annexure-C.

#. The learned counsel for the petitioners submit that for the last ten years, the petitioners are not in contact and as such, he is not in a position to make any statement with respect to possession of land. However, he submits that this writ petition has been filed against the order dated 21st June 1988 under which the competent authority declared that 10153.61 sq.mts. of land is surplus . Thereafter application has been filed under Section 20 of the Act for exemption of the agricultural lands mentioned therein and that appears to have been rejected in July 1991. From these facts, what Mr.Ajmera contends, that the possession of the land appears to have remained with petitioners.

#. Taking into consideration these facts, the order of this court dated 4.12.91, the respondents have not filed reply to the special civil application and that even orally, it is not stated that the respondents have taken possession of the land in dispute, the possession of the land has to be taken to be with the petitioners, as a result of which, this special civil application abates and the same is dismissed. Rule discharged. Interim relief granted by this court stands vacated. No order as to costs. However, liberty is granted to the respondents for revival of this special civil application in case of difficulty.

(S.K.Keshote, J.)

[sunil]